Mr. M. Sivarama Menon *(Advocate-General):* I am not aware. But I can even grant that there will be such petitions, because such petitions will be put in by those persons who have failed to take advantage of the concessions granted in 1110. Really Government have already given them more concessions than the Act has afforded and there will be only a small minority who will be benefited by this amendment. Each individual case will be separately considered by Government with regard to the position in life and capacity to pay etc., of these tenants. In the light of these facts, I would respectfully ask this House whether it is up to this House to take away the small power of the Government to exercise their discretion in individual cases by passing this amendment?

മിസ്റ്റർ കെ. അയ്യപ്പൻ: സർ, ഗവമ്മെൻറഡ്വൊക്കറ്റിൻെറ അഭിപ്രായത്തിൽനിന്നതന്നെ ഈ ബിൽ പാസ്സാക്കേണ്ടതാണെന്നു വരുന്നുണ്ട്. അദ്ദേഹംപറഞ്ഞതിൽനിന്നു പാലിയത്തെ ഗവമ്മെൻറു ഏറെറടുത്തിരുന്നില്ലെങ്കിൽ ഇതിൽ അതും ഉൾപ്പെട്ടുമായിരുന്നു എന്നാണ് മനസ്സിലാകുന്നതു്. അതുകൊണ്ടു ഈ ബിൽപ്രകാരം ആ എക്സംപ്ഷൻ എടുത്തുകളഞ്ഞാൽ ഫിനാൻഷ്യലായിട്ടു യാതൊരുപകടവും വരാനില്ല. ഗവമ്മെൻറുചെയ്ത ആനുകൂല്യം ഈ പാലിയം കുടിയാന്മാക്കും കിട്ടുമെന്നെയുള്ളു. ഗവമ്മെൻറിനു ഇതുകൊണ്ടു യാതൊരു ഉപദ്രവവും വരുകയില്ല. ഒരു എക്സംപ്ഷനേയുള്ളു എന്നു പറയുന്നു. ഒരു എക്സംപ്ഷൻ മതി. കുടയോളം വലിയ തളിക, തളികയോളം വലിയ തുള എന്നു പറഞ്ഞപോലെ ഇതയും വലിയ ഒരു ജന്മി ഈ രാജ്യത്തു വേറെയില്ല. അതുകൊണ്ടു ഞാൻ ഈ ബില്ലിനെ പിന്താങ്ങുന്നു.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, according to the 1110 settlement, the tenants are liable to pay even debts which are time-barred if they wanted to get the concession. That is a point which the House has to consider seriously. The Hon'ble Law Member has been stating that the tenants would get more benefits by the concessions already granted than under the Act. If that is so, it would be more advantageous to the Paliam if this Bill is passed into law. More concession means more loss to the Estate. We want to lessen that loss to the Estate. I, therefore, move that the motion be passed.

Motion put and carried

Clauses 2 and 3 put and carried

Clause 1, Title and Preamble put and carried

The Cochin Tenancy Act (Amendment) Bill

Mr. T. P. Poulose *(Kanayannur):* Sir, I beg to introduce the Cochin Tenancy Act (Amendment) Bill. Having been laid up for

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the past one week, I do not propose to make a speech in introducing this Bill. But I would, in the course of a few minutes, briefly state the reasons that led me to introduce this Bill. According to the existing statute, the renewal fee that is payable by a *kanam* tenant every 12 years is 27½ per cent of the *kanam* amount he has originally paid. This rule uniformly applies irrespective of the proportion of the *kanam* amount and the extent of the holding. This works great hardship on tenants who have paid proportionately large sums as *kanam* amounts. Even *nerkanam* tenants who have paid *kanam* amounts almost equal to the value of the property and sufficient to yield interest which will consume the entire rent, have to pay 27½ per cent of such huge *kanam* amounts as renewal fees. It is with a view to obviate this injustice that I have introduced this Bill. With regard to this injustice, I shall also point out what the Chief Court has said in some of its judgments. This is what the Chief Court has said in 19 Cochin 133:—

"We will once more invite the attention of the Legislature to the obvious unfairness of making the renewal fees due on account of *Ner anams*, proportionate to the *kanam* amount at the only rate provided for by the Regulation—an unfairness already adverted to by this Court in XIII Cochin 283 with reference to this very case".

Again, in 23 Cochin 363 a Full Bench of the Chief Court consisting of Justice Sahasranama Ayyar, Justice Achyuta Menon who is now presiding over this House, and Justice Manjuran said as follows.—

"We have no doubt, for the foregoing reasons, that the plaintiff *swaroopam* is entitled to levy renewal fees on the scale prescribed by section 26. In coming to that conclusion we are not unaware of the genuine hardship the provision entails on the *nerkanam* tenant. But, so far as the judiciary is concerned, there is no helping it. All that we can do is to again invite the attention of the Government to the matter."

But though for long this injustice has been there, nothing effective has been done to remove it.

The rule in the Tenancy Act fixing the renewal fee at a uniform rate on the *kanam* amount has no relation to the profit the tenant can make out of his holding. In the Malabar Tenancy Act, the renewal fee is based upon the profit the tenant can make out of his holding. There, the yearly profit derivable by the tenant is ascertained by deducting from the fair rent the *michavaram* the tenant has to pay to the landlord, the tax payable to the Government and the interest the tenant has to get for the *kanam* amount he has advanced. The balance after deducting all these three items from the fair rent is the amount which the tenant gets as profit. 2¼ times of this profit is the amount that he has to pay as renewal fee in British Malabar. By renewal the tenant gets the right to hold for 12 years. When the

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tenant is to get 12 years' profit he has to pay the landlord 2¼ years' profit as renewal fees. That is the rate there. One more aspect I wish to emphasize. Under the Malabar Tenancy Act, for calculating this profit, it is the fair rent and not the entire net yield that is taken into account. There are provisions in that Act for fixing the fair rent more or less similar to the provisions in our Cultivating Verumpattamdar's Bill. Generally, fair rent is only 2/3 of the net yield. For calculating the profit which the *kanam* tenant can make out of his holding for the purpose of fixing renewal fee only 2/3 of the net yield is taken into account in British Malabar. The deductions of the three items mentioned above are made from 2/3 of the net yield for arriving at the profit. In the Select Committee report on the Tenancy Act (Amendment) Bill of Mr. Iyyu, dissenting notes were written by Mr. K. Achyuta Menon, Mr. C. A. Kunhunni Raja and Mr. Ashtamurthi Namburipad. This is what they have written:

"If alteration is deemed necessary it should be, we respectfully submit, in the direction of basing the renewal fee upon the profits or income that can reasonably be expected to accrue to the *kanam* tenant during the renewed period as is done in the existing Madras Act".

I have almost adopted the principle that was laid down in the dissenting minutes. It is supported by the present President's opinion, by the opinion of the then Law Member and the representative of the land-lords in this House, Mr. Ashtamurthi Namburipad.

Mr. K. Ashtamurthi Namburipad *(Land-holders):* Why not take the whole provision?

Mr. T. P. Poulose *(Kanayannur):* When another Bill was before this House, this was the proposal which the Government had to give and the representative of the landlords also had to give.

There was a pertinent question by Mr. Ashtamurthi Namburipad, "Why not adopt the provision in the Malabar Tenacy Act in toto". I shall just answer that question briefly. If we are to adopt that in toto we have to make provisions in our Act for fixing the fair rent. The Malabar Tenancy Act makes it impossible for ascertaining the renewal fees payable except by first ascertaining the fair rent. There are no provisions in our Act for fixing the fair rent. Of course, we can incorporate them. Even then, in every case the land-lord and tenant will have to go to a court of law to get the renewal fees fixed. Fair rent is a question on which the land-lord and tenant will never agree. They will honestly differ in almost every case. In order to get the renewal fee fixed in each and every case the landlord and tenant will have to go to a court of law which also will have to issue a costly commission to fix the fair rent.

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Whatever be the satisfaction that we may have, if we place our law on an exactly scientific basis, in practice, that will be more than counter-balanced by the troubles of costly litigation. So, I thought it would not be proper to base renewal fee on the fair rent which is a varying and indefinite factor. But the *kanapattam* fixed in the document is a fair indication of the income derivable from the holding. I have proposed that a maximum may be fixed for renewal fee on the basis of the *kanapattam*. This will remove the hardship now experienced by *kanam* tenants who have paid proportionately large *kanam* amounts.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Is it your case that the ratio of *kanapattam* to the actual rent will be uniform in all places?

Mr. T. P. Poulose *(Kanayannur):* The extent of *pattam* fixed in a *kanam* document can for all practical purposes be taken to be indicative of the extent of the income derivable from the holding.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Have you come across any cases where it varies from half to one-third or even one-fourth? I think there are various cases. This ratio varies with different *jenmies* in different places.

Mr. T. P. Poulose *(Kanayannnr):* Any such thing can be asserted in a matter where records are wanting either to prove or disprove.

This Bill is based on the supposition that the *kanapattam* fixed in the document is fairly indicative of the extent of the profit derivable from the holding. It is on that supposition that this Bill is drafted. If that supposition is radically erroneous, then the basis of the Bill goes, I concede it. But some minor differences between one locality and another in fixing *kanapattam* do not affect the question at all. If the supposition that the *kanapattam* in a document is fairly indicative of the extent of the income derivable from the holding is substantially correct in spite of minor differences between localities, the assumption on which this Bill is based is sound.

There are several points on which I would very much like to dwell in detail. But being not well, I leave that task to some of my friends who are able to do so. I have fixed 60 per cent of the *kanapattam* as the maximum for renewal fee. Though I have reasons for doing so this 60 per cent is only tentatively fixed. A select committee can go into this question. If this 60 per cent is found to be too high it may be lowered, if it is too low it may be raised. You may fix it at 100, 200, 20 or 50 per cent as considered proper.

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It is not necessary to consider those details at this stage. With these words, I move that the Bill be read in Council.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, this amendment is to section 28 and Mr. Mathai has also introduced another amendment to the same section relating to renewal fees. Mr. Poulose wants the renewal fee to be fixed upon fair rent basis. Mr. Mathai wants to fix it on the actual *kanam* amount. I may submit in this connection that section 28 requires substantial amendment, and that the amendment introduced by Mr. C. V. Iyyu and passed at the last session, was rejected by the Government. Now, we are trying to find some equitable method to relieve the tenants. As it is, by the proviso to section 28, no tenant in the Cochin State is benefited. I suggest both these Bills may be referred to the same Select Committee.

***Mr. E. Ikkanda Warriar** *(Cheruthuruthi):* Sir, I wish to support this motion. All these Tenancy Bills are intended to help the tenants. There are very many cases where this provision for the payment of 27½ per cent renewal fee has worked great hardship on the tenants. I know of at least 10 or 15 cases where the tenant will have to lose his holding, in some cases at the first renewal or sure as anything at the second renewal. The provision as it stands has absolutely no reference to the income of the property. There are cases where the *kanom* amount is very high, as my friend the mover said, as high as the price of the property. If the property is worth Rs. 10,000, sometimes the *kanom* amount is Rs. 9,800 and a nominal *michavaram* is put. Now, that hardship was felt by the legislature, and it was really in order to give some relief to such cases that the provison for levying 5 per cent was introduced in the previous Tenancy Act Amendment Bill. But, unfortunately, on account of various decisions and the interpretation given to that provision, the relief did not actually reach the tenants. Now, what happens in many of these cases is this. Where the *kanam* amount is Rs. 10,000, I know of cases where the tenant will have to pay nearly Rs. 1,800 and Rs. 2,000. Interest on that, then the court costs and all that will come to a large amount. The margin of profit to the tenant will be very small. The tenant will have either to mortgage the whole of his holding for payment of the renewal fees in which case the mortgagee will, in course of time, sell all his rights over the property, or in other cases the *jenmi* himself will sue him and sell the property for the decree which he will obtain for the renewal fee. I, therefore, submit under these circumstances

*Speech not corrected by the hon'ble member.

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that the provision in the previous Tenancy Act has not given any relief to the tenant. It must have some reference to the income of the property. The House will also remember in this connection that there is absolutly no provision for the *kanom* tenant to surrender his property and walk out. If there had been such a provision in the Act where if the tenant really finds it impossible to pay such a high rate of renewal fee, he can get back the amount with the value of improvements if he is evicted, then it would have been a fair proposition so far as the tenants are concerned. In the absence of such a provision it will be harder still to impose such a heavy renewal fee upon the tenant. It may be asked—I heard the question from behind—why not adopt the British enactment as a whole which is based upon the income. Logically it is a good question. I do admit the logic of it but not the relief it will give to the tenants. There have been many cases where the fixing of 27½ per cent on the *kanom* amount has really benefited a large number of tenants. It has helped a very large number of tenants, and to deprive them of the rights which they were enjoying for the last 30 years will be harder still. This is in addition to the reason given by the mover to fix a fair rent and to get a relief through court fixing the fair rent and then fixing the proportion of 2½ years' profit; to fix the profit itself is very difficult. I, therefore, submit that since it has been the policy of the Government to give as much relief to the tenants as possible on the principle that it is really the labour of the tenant that has improved the property and it is to the economic amelioration of these poor sets of tenants that all these series of enactments were made by the Cochin Government, it will be only consistent with that policy that they will be adopting this amendment. As the mover himself said, it may work arbitrarily in the case of some. The rate of 60 per cent will have to be examined with reference to the actual cases, and a percentage can be found out if this goes into a select committee and that select committee takes evidence in this matter. I, therefore, submit that it is a highly desirable thing in the interest of tenants, and I support this motion.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Sir, the object of this Bill, as explained by the Hon'ble Member, is to effect a change in the principle of fixing the renewal fee from the principle involved in the present Act. It was submitted that the application of a uniform rate of renewal fees, *viz.* 27½ per cent upon the *kanom* amount, irrespective of the proportion of the *kanom* amount with respect of the income will work great hardship upon those who have paid a large amount as *kanom*. Of course, I do not see and I am satisfied that the application of such a uniform rate of renewal fees will certainly work a great hardship in certain cases. So, I agree

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that the principle of fixing an arbitrary or a uniform rate of renewal fees should certainly be changed. But the question is, in what manner that change should be effected. Certainly most of us have experienced that there has been hardship in several cases. No doubt, the High Court also in the cases referred to have observed that the principle involved in the present Act will certainly be working a great hardship upon the tenants.

Mr. M. Sivarama Menon *(Advocate-General):* It is with reference to *nerkanom* tenants.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* These 3 cases refer to *nerkanam* tenants who stand on a different footing from an ordinary *kanam* tenant. In *nerkanam* we find that the *kanam* amount almost approximates to the value of the property so much so that there may not be much by way of *michavaram* to be paid to the *jenmi*. In such cases for all practical purposes, the *nerkanamdar* or the tenant will have larger interest than *jenmi*. So, it will certainly be very hard to ask that tenant to pay renewal fees even after paying almost the entire price of the property. So, the cases referred to are limited to cases of *nerkanam* tenants only. No case was referred to that this hardship is applicable to all classes of *kanams*. Apart from any such case, I am prepared to concede that this uniform rate of renewal fee will certainly work hardship upon tenants who have paid large amounts by way of *kanam*. So that the principle of fixing an arbitrary rate must certainly be changed. How should that change be effected? Now, the mover has no doubt referred to the dissenting notes of the Advocate-General and the present President and also referred to the British Act, and I thought he was completely in agreement with the proposals contained in the dissenting minute and also with the law applicable in British India. But at once he shifts his ground and says that these principles cannot be invoked in the present matter. The improvement suggested by him is not an improvement at all. The principle relates to the same, because he says that a certain proportion should still be fixed regarding the renewal fees. The proposal made by the mover is no change even in principle, so this involves an element of arbitrariness for all practical purposes. But certainly the ground referred to in the dissenting note and also the policy underlying the British Act are certainly very commendable, and if any change is needed, we have to proceed upon the benefit which the tenants may be enjoying after the renewal. So, the same principle should be fixed with reference to the income, whatever name you may call it—fair rent or anything. The standard of renewal fee should bear some proportion to the income or benefits which the tenant might be able to enjoy for another 12 years. That is certainly a good principle, and

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I do not think any objection can be raised to that. I am certainly for a change in this way and not for the change as suggested by the mover. It would certainly be better that the principle of the British Act be adopted and an amendment be brought on that basis. My learned friend was not able to satisfy that this will not work hardship and his only ground is that the parties will have to go to court, because they will never agree. In the other case it is left to the option of the tenant to enforce the law upon the *jenmi*. So, the fact that the parties will have to go to court cannot be taken as a ground. I submit that a legislation upon the model of the British legislation is certainly very commendable and it will certainly give great relief to these tenants who have now to pay a big amount by way of renewal fees on account of the large amount of *kanam*.

Mr. K. Ashtamoorthy Namburipad *(Land-holders)*: Mr. President, Sir, I rise to oppose this Bill. The object of this Bill is the same as that of the other Bill introduced by Mr. Iyyu and passed by this House in Vrischigam last and subsequently vetoed by His Highness the Maharaja. Sufficient discussion had already taken place when the other Bill was under consideration, and I do not propose to cover the whole ground again to-day. I want to deal only with a few most objectionable features of the present Bill.

The object of this amendment as is stated in the objects and reasons is to give some relief to *kanam* tenants who have paid to the landlord a high amount of *kanam*. According to the Tenancy Act, renewal fee is calculated under Section 28 as 27½ per cent of the *kanam* amount and 15 per cent of the *puramkadam*. But the proviso to the section limits the liability of the tenant to pay as renewal fee anything more than 5 per cent of the amount of *kanam* when there is no *michavaram* payable under the *kanam* to be renewed or it is less than 12½ per cent of the *pattam* fixed therein.

The immediate reason for bringing in this measure as well as the one passed in Vrischigam seems to be the decision of the High Court in 6, Cochin Law Journal 485 by which the definition of *michavaram* has been interpreted as including the land revenue also. Consequently it is alleged that in no case in respect of *nilams* the tenant will have the benefit of the explanation to Section 28, fixing 5 per cent of the *kanam* amount as renewal fee because the land revenue assessment will exceed 12½ per cent in almost all cases. So, in order to remedy this, the mover seeks to add a proviso to section 28 fixing the maximum amount of renewal fee payable by the tenant as 60 per cent of the *pattam* for one year and also adding an explanation that the *pattam* does not include Government tax.

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Let me first of all deal with the new proviso to section 28. As I have already mentioned this fixes a maximum to the renewal fee at 60 per cent of the *pattam* for one year. It is an undisputed fact that *kanam* is a very favourable tenure. The *pattam* shown in the *kanam* document is not the *verumpattam*, that is the actual *pattam* yielding in the property. In many cases the *pattam* shown in the document will amount to only half the *verumpattam*. In many other cases it is as low as one fourth of the *verumpattam*. (Please refer Cochin State Manual). In all such cases the profit of the tenant is the difference between the actual *verumpattam* and the *pattam* shown in the document. According to this proviso it is the *pattam* that is shown in the document that is taken into consideration for fixing the maximum of 60 per cent. My submission is that the actual *verumpattam* alone should be taken into consideration. Otherwise, it will be quite unjust and unfair to the landholders who have demised their properties fixing very low *pattams* if we allow this amendment.

The Hon'ble the mover himself admits in his objects and reasons to this Bill that the Malabar Tenancy Act provides for fixing the renewal fee on the basis of the profit the tenant can derive from the holding. So it will not be out of place to compare the provisions of the Malabar Tenancy Act with regard to renewals with those contained in this Bill. In the Malabar Tenancy Act the renewal fee is $2\frac{1}{4}$ times the annual fair rent of the property deducting from such annual fair rent the annual *michavaram*, the amount of land revenue and the interest on the *kanam* amount. There it is not the *pattam* shown in the document that is taken into consideration but the actual net yield of the property. Thus we see that in Malabar the *Jenmi* gets $2\frac{1}{4}$ times the actual rent of the property, of course, deducting from it *michavaram*, etc. By this amendment the mover seeks to fix the maximum at 60 per cent of the *pattam* for one year fixed in the document and this *pattam* itself in almost all cases being not the actual *verumpattom*. By a mere comparison of these two provisions the Hon'ble Members will understand the extent of the loss the *Jenmies* have to incur by this amendment.

As regards the new explanation to the section it still more reduces the renewal fee. From the maximum of 60 per cent of the *pattam* the amount of land revenue on the property also has to be deducted.

Mr. T. P. Poulose *(Kanayannur):* I have not said that from the *kanam* fees land revenue should be deducted. What I have said was that the *kanam* fixed in the document does not include

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land revenue. In cases where land is provided for to be paid from the *kanapattam* it will have to be deducted. There is a section in the existing Tenancy Act by which the tenant is made liable to pay the tax whether there is a provision in the document or not. That proceeds on the assumption that whether there is a provision in the document or not in the olden days it is the tenant who has to pay tax. That again proceeds on the assumption that it was not from the *kanapattam* that tax should be paid but from the share of the tenant's profits. The usual thing is that no provision will be made in the document that the Sirkar tax is to be paid from the *kanapattam*.

Mr. M. Sivarama Menon *(Advocate-General):* But that does not affect the question at issue.

Mr. T. P. Poulose *(Kanayannur):* I don't claim as a uniform rule that tax should be deducted from *kanapattam*. Where tax is paid over and above *kanapattam* tax need not be deducted.

Mr. K. Ashtamoorthi Namburipad *(Land-holders):* The effect will be that in all cases the *Jenmi* will not be able to realise more than 5 per cent, that is the minimum fixed in the present Act. At this rate the next amendment will be to abolish renewals altogether. If you are going to accept this amendment, my respectful submission to this House is at least give *Jenmi* the option to give back the *kanam* amount if he so wills.

Sir, I have to make one suggestion to the mover of this amendment. These remarks of mine will also apply to the next Bill in the agenda, that is, the Tenancy Act Amendment Bill No. 2 of Mr. Mathai which also deals with section 28. I am one with the Hon'ble Mover when he says in the objects and reasons that the uniform rule in the first para of section 28 fixing the renewal fee as $27\frac{1}{2}$ per cent of the *kanam* amount has no relation to the income from the holding or the profit the tenant can derive therefrom. I also admit that the principle of calculating renewal fees at the end of 12 years is based on the principle that *kanam* being a very favourable tenure the tenants are asked to pay a share of the profits from the land to the proprietor. So the renewal fee should have some relation to the profit the tenant enjoys from the property. The framers of the Malabar Tenancy Act took the matter into consideration and they went upon a perfectly reasonable ground. They took the value of the property and fixed the renewal fee upon the percentage of the profit which could be normally supposed to have been enjoyed by the tenant, regard being had to the rate of interest and such other things. The mover also admits that this principle

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is more equitable and just. If we accept this principle, the object of the mover of the amendment will also be satisfied, because if the *kanam* amount is very high or the *michavaram* excessive, the renewal fee will also be reduced proportionately.

In the Select Committee stage of Mr. Iyyu's Bill I brought all these facts before the members of the committee but they did not accept my proposal. My position with regard to this Bill is that when it comes to an amendment the amendment should be justified on first principles. If you are ready to accept the principles contained in the Malabar Tenancy Act you must accept that in toto. It is unfair to accept the principle in part, that part being the most favourable from the point of view of the tenants. It is the duty of this House to see that in such cases the interests of the *Jenmies* are not very seriously affected. So my suggestion to the Hon'ble mover is to withdraw this Bill and bring another one embodying in it all the principles contained in the Malabar Tenancy Act with regard to renewals. If such a Bill is brought forward, I earnestly hope that I will be able to find my way to support it. As it is, I very much regret to say that I am constrained to oppose this Bill.

***Mr. V. K. Bhaskara Menon** *(Cranganur):* Sir, I have got one advantage in supporting the Bill mooted by Mr. Poulose, that is, I need not oppose the arguments advanced by the other side. Now, what exactly is this Bill. This is a Bill which aims at removing the troubles of the tenants of paying 27½ per cent, a liability which, in my opinion, should not be saddled on the tenants. My submission to this House is that I am one of those people who believe that once the relation of landlord and tenant is established either as *kanam* tenant and *jenmi* or a tenant and *jenmi*, there is absolutely no justification for levying renewal fees which will increase the liability spread out for a period of 12 years or by any similar means. Now the result of the tenant being charged with renewal fees is this. Instead of his being compelled at the rate contracted for every 12 years, there is a modification to the disadvantage of the tenant and to the permanent advantage of the *jenmi*. But merely because he happens to be on the property does not at all compensate his investment on the land. The question which this House has to consider is whether the Bill is sufficient to achieve this end so that this inequity between landlord and tenant can be completly obviated by the method suggested in the Amending Bill. I am for the position that no renewal fees whatsoever can be levied and that can be the only logical position. There is absolutely no meaning whatsoever in saying that because a tenant has been on the land,

*Speech not corrected by the hon'ble member.

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and mind you, a *kanam* tenant is on the land because he has advanced large sums of money to the landlord and he is improving the land all the time he is in occupation and because he happened to advance money on the property the tenant is asked to pay 27½ per cent at the end of 12 years. This is really a very curious position. I can understand a provision in the Tenancy Regulation because of the fact that then the Government was trying to introduce a new law when they have to give the landlord a *quid pro quo* for giving the tenants the permanancy. But then we have advanced far beyond that. We have now realised that, after all, the *jenmi* happens to be a microscopic and unimportant section of the population in the State, in the sense he owns the land and he is at liberty to get what he has contracted with the tenant to get. But beyond that, my submission is it is absolutely unfair to ask the tenants more, call it by the name of renewal fees or any other fees. I would have appreciated the position of my friend Mr. Poulose, had he brought a Bill which would have completely removed this burden of paying renewal fees. But since he has not been kind enough to bring such a Bill, we have to be content with what he is prepared to give us.

Mr. Ismail Hajee Essa Sait *(Mattancheri):* What is your opinion with regard to the Paliam Estate?

Mr. V. K. Bhaskara Menon *(Cranganur):* I do not belong to Pakistan Party.

Mr. Ismail Hajee Essa Sait *(Mattancheri):* You are a vakil of Paliam.

Mr. V. K. Bhaskara Menon *(Cranganur):* Mr. Sait, do not judge me by your commercial standard. We are here discussing the abstract rights of the tenants.

My submission to this House is, because of the fact that Mr. Poulose has not been kind enough or considerate towards the tenants in moving for the complete abolition of the renewal fees, I am constrained to support the Bill.

The House rose for lunch at 1 p.m. and re-assembed at 2-30 p.m. with the Hon'ble President in the Chair.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, ഞാൻ ഈ ഭേഗതിയോട്ട പൂർണ്ണമായി യോജിയ്ക്കുന്നു. എനിയ്ക്ക ഈ സഭയെ ധരിപ്പിക്കുവാനുള്ളതു് പ്രത്യേകിച്ചു ഒന്നുമ ണ്ടു കാര്യങ്ങൾമാത്രമാണു്. കാണസംഖ്യയെന്നുള്ളതു് ജന്മിമാക്കു പണ്ടുകാലം മു തൽ കൊടുത്തുവരുന്നതു് വസ്തുവിന്റെ ഏതാണ്ടു വിലയോളംവരുന്ന ഒരു തോ തിലാണു്. കാണസംഖ്യകൊണ്ടുള്ള അനുഭവം സാക്ഷാൽ അനുഭവിച്ചുവരുന്നതു്

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ജന്മിമാരാണ്. എന്നാൽ അതു വസ്തുവിന്റെ വിസ്തീർണ്ണമൊ ആദായമൊ യാതൊ ന്നും കണക്കാക്കാതെയാണ് കൊടുത്തിരുന്നതു്. എന്നാൽ ഇന്നു അതിനു് ശരാ ശരി ൧൨ കൊല്ലം കൂടുമ്പോൾ ൨൬ ശതമാനം കൊടുത്തു് പുതുക്കണമെന്നുപറ യുന്നതിൽ യാതൊരു നീതിയും കാണുന്നില്ല.

ഉദാഹരണമായി എ. ബി. സി. എന്നു മൂന്നു കാണക്കുടിയാന്മാരുണ്ടെന്നു വി ചാരിയ്ക്കുക. അവർ മൂന്നുപേരും കൈവശംവെച്ചിരിക്കുന്ന വസ്തു ഒരേ വിസ്തീർണ്ണ മുള്ളതും, ഒരേ ആദായമുള്ളതും ആണെന്നും കരുതുക. എന്നാൽ അതിൽ എ. എന്നു കാണക്കുടിയാൻ ജന്മിക്കു കൊടുത്തിരുന്ന കാണം ൧൦൦ ഉറുപ്പികയും, ബി. ൨൦൫ ഉറുപ്പികയും, സി. ൩൦൦ ഉറുപ്പികയും ആണെന്നു വിചാരിയ്ക്കുക. പന്ത്രണ്ടു കൊ ല്ലം കഴിയുമ്പോൾ എ. കൊടുക്കേണ്ടിവരുന്ന സംഖ്യ ൨൬ ഉറുപ്പികയും, ബി. കൊടുക്കേണ്ടിവരുന്ന സംഖ്യ ൫൫ ഉറുപ്പികയും, സി. കൊടുക്കേണ്ടിവരുന്ന സം ഖ്യ ൩൨-ൽ ചില്വാനം ഉറുപ്പികയുമായിരിക്കും. ഈ തരത്തിൽ കൂടുതൽ സഹാ യം ജന്മിയ്ക്കു ചെയ്യുന്നതുകൊണ്ടു. ആ കാണക്കുടിയാൻ കൂടുതൽ ഉപദ്രവം സഹി ക്കേണമൊ എന്നുള്ളതാണ് എന്റെ ചോദ്യം. ഇതിനും പുറമെ ഒരു വെറുമ്പാട്ട ക്കുടിയാനും, കാണക്കുടിയാനും തമ്മിലുള്ള വ്യത്യാസമാലോചിച്ചാൽ പ്രത്യേക ഗു ണങ്ങളൊന്നുമില്ലെന്നാണ് എനിയ്ക്കു ഈ സഭയെ ധരിപ്പിയ്ക്കുവാനുള്ളതു്. വട ക്കൻ പ്രദേശങ്ങളെപ്പറ്റി എനിക്കു നിശ്ചയമില്ല. സാധാരണയായി തെക്കൻപ്ര ദേശങ്ങളിൽ വസ്തുവിന്റെ പാട്ടം കണക്കാക്കി ജന്മിയ്ക്കു കൊടുത്തിരിയ്ക്കുന്ന സംഖ്യ യുടെ ഏതാണ്ടു രണ്ടു ശതമാനം പലിശനീക്കി ബാക്കിയുള്ളതാണ് മിച്ചവാരമാ യിട്ടു കണക്കാക്കുന്നതു്.

മിസ്സർ സി. എൻ. ഇട്ടിരവി നമ്പൂതിരിപ്പാട്: വെറുമ്പാട്ടമായിട്ടല്ലെ കണ ക്കാക്കുന്നതു് ?

മിസ്സർ ബി. എം. പീററർ: അതെ; പന്ത്രണ്ടുകൊല്ലം കഴിയുമ്പോൾ ൨൬ ശതമാനം കൊടുക്കുന്നു എന്നുവെച്ചാൽ പലിശ ൨ൽ ശതമാനം വരും. പി ന്നെ കുടിയാനു കിട്ടുന്ന മിച്ചം വെറുമ്പാട്ടം മാത്രമാണ്. വേറെ ഒരു സംഗതി പ റയാനുള്ളതു കാണക്കുടിയാനു ഒരു സ്ഥിരാവകാശം കിട്ടുന്നുവെന്നുള്ളതാണ്. എ ന്നാൽ വെറുമ്പാട്ടക്കുടിയാനു സ്ഥിരാവകാശം കൊടുക്കുവാൻ നിശ്ചയിച്ചിട്ടുള്ള ഗ വമ്മെൻറ് ഇങ്ങിനെയുള്ള കാണക്കുടിയാന്റെ കാര്യത്തിൽ വിശേഷിച്ചു എന്താ ണ് ചെയ്യുന്നതെന്നു ഞാൻ ചോദിയ്ക്കുന്നു. എന്നാൽ ഈ അടുത്ത അവസരത്തിൽ തെക്കൻപ്രദേശങ്ങളിലെ ജന്മിമാർ പുതുക്കലിനുവേണ്ടി കുടിയാന്മാരെ പല ക ഷ്ടതകളും അനുഭവിപ്പിച്ചു അവരുടെ നേരെ വസ്തുവില്പനയ്ക്കു യാതൊരു ദയവുമി ല്ലാതെ പ്രവൃത്തിയ്ക്കുന്നതുകൊണ്ടു് ആ വിഷയത്തിൽ ഗവമ്മെണ്ടിന്റെ ദയാദൃഷ്ടി ഏതെങ്കിലുംവിധത്തിൽ പതിയണമെന്നപേക്ഷിച്ചുകൊണ്ടു ഈ ഉപക്ഷേപത്തെ ഞാൻ അനുകൂലിയ്ക്കുന്നു.

*മിസ്സർ വി. ജെ. മത്തായി : സർ, ഈ സമയത്തു് ഈ ബില്ലിനെപ്പറ്റി വലിയ വാദപ്രതിവാദം ആവശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. ബഹുമാനപ്പെട്ട ജന്മി മെമ്പർ പൊളിച്ചെഴുത്തവകാശം നൂറിനു ൫ ശതമാനം കണ്ടുള്ള തുക കഴിച്ചു് ബാക്കിയുള്ളതിനൊക്കെ ൨൬ ൧/൨ ശതമാനമെന്നുള്ള ഒരു യൂണിഫോം റേറ വെക്കുന്നതു ശരിയല്ല എന്നു പറഞ്ഞിട്ടുള്ള സ്ഥിതിക്കു് ഒരു വാദപ്രതിവാദം ആവ ശ്യമുണ്ടെന്നു തോന്നുന്നില്ല. എന്നാൽ ഒരു വിശദീകരണം ആവശ്യമാണ്. ഈ

* Speech not corrected by the hon'ble member.

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തിൽ രണ്ടുമൂന്നു സംഗതികളും ചുരുക്കമായിട്ടു വിശദീകരിച്ചു നിങ്ങളെ മനസ്സിലാക്കിയതിനുശേഷം ഇതിനുവേണ്ടി വോട്ടുചെയ്യണമെന്നഭ്യർത്ഥിക്കുകമാത്രമെ ഞാൻ ചെയ്യുന്നുള്ളൂ. സാധാരണയായി ജന്മിയുടെ ബുദ്ധിമുട്ടിനെ അടിസ്ഥാനപ്പെടുത്തിയാണു് ഇപ്പോൾ കാണസംഖ്യ വാങ്ങാറുള്ളതു്. ഇപ്പോൾ കൊച്ചി കണയന്നൂർ താലൂക്കിൽ "ഏ" എന്നൊരു ജന്മി വളരെ വിഷമത്തിലിരിക്കുകയാണെങ്കിൽ, അയാൾക്കു കിട്ടാവുന്നിടത്തോളമുള്ളതു് കുടിയാനിൽ നിന്നും കാണസംഖ്യയായി വാങ്ങും. കുടിയാൻ വളരെ സമ്പന്നനുള്ള ഒരാളാണെങ്കിൽ കുറെ അധികം അയാളിൽനിന്നു വാങ്ങിയെന്നും വരും. കാണസംഖ്യ എല്ലാസ്ഥലത്തും ഒറ്റനിരക്കായിവെക്കുന്നതു് ഒരിക്കലും ശരിയല്ല എന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല. ഉദാഹരണമായിട്ടു ഒരൊറ്റ കാണാധാരത്തിന്റെ കാര്യം ഞാൻ ഇവിടെ ഉദ്ധരിക്കാം. എം. വി. ജോൺ എന്നാൾക്കു് പെരുമ്പിള്ളിദേവസ്വത്തിൽനിന്നു് ഒരു പണയ കാണാധാരമുണ്ടു്. അതിൽ ൩൦ പറ നിലത്തിനു് ൨,൪൦൦ ക. പണയാർത്ഥമുണ്ടു്. ഇപ്പോൾ ആ പണയം കാണത്തിനു് തുല്യമായിട്ടുണ്ടു്. ആ സ്ഥിതിക്കു അയാൾ എത്ര ഉറപ്പിക കൊടുക്കണമെന്ന ആലോചിച്ചാൽ മതി. ഒരു ഭീമമായ തുക കൊടുക്കണം. ഈ ഒരൊറ്റ സംഗതികൊണ്ടു് മിച്ചവാരം ഭേദപ്പെട്ടിട്ടില്ല. കാണാർത്ഥം ഐകരൂപ്യമില്ലാത്ത നിലയിലായതുകൊണ്ടു് മിച്ചവാരവും യാതൊരു ഐകരൂപ്യവും കൂടാതെ "കീച്ചേരി" മുതൽ "കുന്നംകുളം" വരേയുള്ള ഓരോ വ്യക്തികളും അവരുടെ ഇഷ്ടംപോലെയാണു സ്വീകരിച്ചിരിക്കുന്നതു്. കുടിയായ്മനിയമം വന്നപ്പോൾ സൌകര്യത്തിനുവേണ്ടി എല്ലാം ഒറ്റനിരക്കായി; എണ്ണയായാലും നെല്ലായാലും, ഒരു പറകൊണ്ടുതന്നെയാണു് അളന്നുവാങ്ങുകയെന്നുള്ള ജന്മിമെമ്പറുടെ വാദത്തോടു ഞാൻ യോജിക്കുന്നില്ല. ശ്രീമാൻ ഇമ്മു ഒരു ബിൽ കൊണ്ടുവന്നതു" ഈ നിയമസഭ പാസ്സാക്കിയെങ്കിലും എന്തോ കാരണവശാൽ അതു നടപ്പായില്ല. അതിനുശേഷം ഈ സംസാരിക്കുന്ന ആൾ തന്നെ ഒരു ഭേദഗതികൊണ്ടുവന്നു. ഇതു് ഒരു ഉഭ്രമായ ഭാരമായ്കൊണ്ടു് പന്ത്രണ്ടുകൊല്ലമായിട്ടെങ്കിലും വസൂലാക്കണമെന്നുള്ള അഭ്യർത്ഥനയോടുകൂടിയാണു് അതു കൊണ്ടുവന്നതു്. അപ്പോൾ ഗവമ്മെണ്ടിൽനിന്നും ചില ന്യായങ്ങൾ പറഞ്ഞു അതിനെ എതിർത്തു. അങ്ങിനെ അതു ഇവിടെ കടന്നുകൂടിയതുമില്ല. മൂന്നാമതായിട്ടു് ഇപ്പോൾ കൊണ്ടുവന്നിട്ടുള്ളതു് മിസ്റ്റർ പൌലോസിന്റെ ബില്ലാണു്. അതിന്റെ തത്വം നമ്മളെല്ലാം മനസ്സിലാക്കിക്കഴിഞ്ഞു. ഐകരൂപ്യമില്ലാത്ത ഒരു സംഗതിയിൽ ഐകരൂപ്യം വരുത്തുവാനുള്ളതാണു് ഈ ബിൽ. പിന്നെ നാലാമതായിട്ടു നില്ക്കുന്നതു് എന്റെ ഒരു ബില്ലാണു്. അതു ഗവമ്മെണ്ടു് ഇപ്പോൾ അംഗീകരിച്ചിട്ടുള്ള തത്വത്തെ അനുകരിച്ചുള്ളതാണു്. കാണാധാരത്തിൽ പറഞ്ഞിട്ടുള്ള പാട്ടം ൪ പറ നെല്ലാണെങ്കിൽ കാണപലിശ കഴിച്ചുള്ള മിച്ചവാരം ൫ ഇടങ്ങഴിയാണെങ്കിൽ ൧൦൦-ക്കു് ൫ മതിയെന്നുള്ള ഗവമ്മെണ്ടിന്റെ തത്വം സമ്മതിക്കുന്നു. പക്ഷെ ൫ ഇടങ്ങഴിയിൽ ഒരു ഉഴക്കു് കൂടി കൂട്ടുവാൻ ഇടയായാൽ ൧൦൦-ക്കു് ൬ ൽ ൧/൬ ശതമാനമാകും. ൫ ഇടങ്ങഴിക്കു ൫ ൧/൪ ഇടങ്ങഴിയായിപ്പോയാൽ ൧൦൦-ക്കു് ൬ ൽ ൧/൬യെന്നുള്ളതിനാർത്ഥമില്ല. ഈ തോതു് എങ്ങിനെ നോക്കിയാലും പൊളിച്ചെഴുത്തവകാശത്തിനു ഒരു ഉഭ്രമായ ഭാരമാണു്. ഞങ്ങൾ അധിവസിക്കുന്ന വില്ലേജുകളിലുള്ള ആളുകൾ കടംകൊണ്ടു മുറിതിരിഞ്ഞിരിക്കുന്നു. ഇതിനെപ്പറ്റി കൂടുതലായി ഒന്നും പറയേണമെന്നു് വിചാരിക്കുന്നില്ല; ന്യായം ചെയ്യുതന്നാൽ മതി.

*മിസ്റ്റർ പി. കെ. മാധവമേനോൻ: നിലവും പറമ്പും തമ്മിൽ വ്യത്യാസമില്ലെന്നുള്ളതാണു് ഇതിൽ മുഖ്യമായിട്ടുള്ള ഒരു ബുദ്ധിമുട്ടു്. വടക്കൻ താലൂക്കു

*Speech not corrected by the hon'ble member.

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കളിൽ നിലങ്ങളുടെ വിലയിൽ ഏതാണ്ട് അടുത്തുവരുന്ന സംഖ്യ കൊടുക്കേണ്ടി വരുന്നുണ്ട്. അതുകൊണ്ട് നിലങ്ങളെ സംബന്ധിച്ചിടത്തോളം ൨൫/൨൯ ശതമാനം വീതം കൊടുക്കണമെന്നു പറഞ്ഞാൽ അതിനു അവരെക്കൊണ്ടു സാദ്ധ്യമല്ല. അങ്ങിനെ വരികയാണെങ്കിൽ അവക്കു നിലം വില്ക്കേണ്ടതായിട്ടു വരികയുള്ളൂ. ൨,൦൦൦ ക. വിലയുള്ള നിലത്തിനു് ൧,൪൦൦ ക. കാണാത്ഥം കൊടുത്തിട്ടുണ്ടായിരിക്കും. എന്നാൽ പറമ്പിനെ സംബന്ധിച്ചേടത്തോളം കൂടുതൽ സംഖ്യ കൊടുത്തിട്ടുള്ളവക്കുള്ള തോതു് വേറെയാണു്. നിലത്തിനു വ്യ-ൽ ഒന്നു നികുതിയുണ്ടെന്നാണു് ഞാൻ മനസ്സിലാക്കിയിരിക്കുന്നതു്. നിലത്തെ സംബന്ധിച്ചിടത്തോളം ആദായം വല്ലിച്ചുവരുന്നതുമില്ല. അന്നും ഇന്നും ഏകദേശം ഒരേ തോതിലാണു് ആദായം കിട്ടുന്നതു്. തരിശായി കിടക്കുന്ന പറമ്പുകളെ സംബന്ധിച്ചിടത്തോളം പയറുപാട്ടമായിട്ടാണു് കൊടുത്തിട്ടുള്ളതു്. ആ കാലത്തു ആ രു നിസ്സാരമായിട്ടുള്ള നികുതിയാണു് ഉണ്ടായിരുന്നതു്. ജന്മിമാരുടെ പ്രകൃതിദയാദാക്ഷിണ്യംകൊണ്ടോ, അവക്കു പറമ്പു നന്നാക്കുവാൻ സാദ്ധ്യമല്ലാത്തതുകൊണ്ടോ അന്നു് നിസ്സാരമായ സംഖ്യക്കു കാണമെഴുതികൊടുത്തിട്ടുണ്ടായിരിക്കണം. ആ മാതിരി പറമ്പുകളിൽ ആറാട്ടു ചെമയങ്ങൾ വെച്ചുണ്ടാക്കി ക്രമേണ ആദായം വല്ലിക്കുമ്പോൾ കൊടുക്കേണ്ടിവരുന്ന നികുതി വളരെ നിസ്സാരമായിരിക്കും. പറമ്പിനെ സംബന്ധിച്ചേടത്തോളം കൂടിയാനു യാതൊരു ബുദ്ധിമുട്ടുമില്ല. പറമ്പിന്റെ ആദായം വളരെ വല്ലിപ്പിച്ചിട്ടുള്ളതുകൊണ്ടു് ജന്മിയുടെ ഓഹരി കൂട്ടണമെന്നു പറയുന്നതിൽ എനിക്കു യാതൊരു അഭിപ്രായ വ്യത്യാസവുമില്ല. പറമ്പുകളേയും നിലങ്ങളേയും സംബന്ധിച്ചേടത്തോളം നികുതിയുടെ തോതു് വ്യ-ൽ ഒരു ഭാഗമെന്നു വെച്ചിട്ടുള്ളതു് മാറിയാൽ വളരെ ഗുണമുണ്ടാകും ഈ ബിൽ തള്ളികളയുകയാണെങ്കിൽ കുറെ ആളുകൾ തീരെ നശിക്കുന്നതിനു് കാരണമാകും. വളരെ അധികം സംഖ്യ നിലത്തിന്മേൽ കൊടുത്തിട്ടുള്ളവർ ൨൫ൽ ശതമാനം വീതം ൫൨ കൊല്ലത്തിലൊരിയ്ക്കൽ കൊടുക്കണമെന്നു പറഞ്ഞാൽ തീരെ സാദ്ധ്യമല്ല. അതുകൊണ്ട് ആ കാര്യത്തിൽ ഒരു നിവാരണമാർഗ്ഗം കണ്ടുപിടിക്കേണ്ടതു് ആവശ്യമാണു്. ഈ ബിൽ സിലക്ട് കമ്മിറ്റിയ്ക്കയച്ചു് നിലത്തിന്റെയും പറമ്പിന്റെയും കാര്യത്തിൽ വേണ്ടത്തക്ക ഭേദഗതികളും വരുത്തി ഇതു പാസ്സാക്കേണ്ടതാണെന്നുള്ള അപേക്ഷയാണു് എനിക്കുള്ളതു്.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Sir, I move for a closure.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* I second it.

Mr. President : Mr. Ittiravi Nambudiri has already stood up.

*മിസ്റ്റർ സി. എൻ. ഇട്ടിരവി നമ്പൂതിരി : സർ. എനിക്കു് ഈ വിഷയത്തിൽ രണ്ടു വാക്കു പറയുവാനുണ്ടു്. പാട്ടം നിശ്ചയിക്കുന്നതു് ഒരേ തോതിലല്ലാത്ത കാലത്തോളം പാട്ടമനുസരിച്ചുള്ള മിച്ചവാരം പിരിക്കുകയല്ലാതെ സാദ്ധ്യമല്ല. നൂറിക്കു് ൩൦ കണ്ടു് കാണപ്പാട്ടത്തിന്റെ തോതനുസരിച്ചു മാക്സിമം കാണാവകാശമേ വാങ്ങാവൂ എന്നാണു് ഈ ബില്ലുകൊണ്ടു് വരുന്നതു്. കൊച്ചി രാജ്യത്തിന്റെ ഓരോ ഭാഗത്തായി ൫൦ ജന്മികളുണ്ടെങ്കിൽ ഒരാൾ പത്തിനൊന്നും മറെറാരാൾ പത്തിനു രണ്ടും, വേറൊരാൾ പത്തിനു മൂന്നും, പിന്നൊരാൾ പത്തിനു നാലും ഇങ്ങിനെ പലെ പ്രകാരത്തിലായിരിക്കും കാണാവകാശം വെച്ചിരിക്കുന്നതു്. അപ്പോൾ അതിനു് ഒരിക്കലും ഐകരൂപ്യമുണ്ടായിരിക്കയില്ല. പി

*Speech not corrected by the hon'ble member.

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ന്നെ പൊളിച്ചെഴുത്തവകാശത്തിനു കാണാധംഖ്യ അധികം കൊടുക്കേണ്ടിവരുന്നു വെന്നു് പറയുന്നു. പഴയകാലത്തു് നൂറു പണത്തിനു് ൪ പറ, ൭ പറ, ൧൦ പറ നെല്ലുവരെ പലിശ കൊടുത്തിട്ടുണ്ടു്. ഇന്നു കൂടുതൽ പിരിക്കാവുന്ന പലിശക്രമം അരപ്പണമാണു്. ഈ ഒരു തോതു നോക്കിയാൽ വളരെക്കാലമായിട്ടു വലിയൊരു പലിശസംഖ്യ കാണക്കുടിയാൻ അനുഭവിച്ചുവരുന്നുണ്ടു്. അതിന്റെ ഒരു പ്രൊപ്പോർഷൻ ൧൨ കൊല്ലം കൂടുമ്പോൾ വകവെച്ചു കൊടുക്കുന്നുവെന്നു മാത്രമെയുള്ളു. പാട്ടം എല്ലാവക്കും ഒന്നുപോലെയല്ല. ഫെയർ റെന്റ് കൂടിയാനു് എന്നുള്ള നിശ്ചയത്തോടുകൂടി പൊളിച്ചെഴുതിക്കൊടുക്കുവാൻ യാതൊരാൾക്കും അവകാശമില്ല. ഈവക കാര്യങ്ങളിൽ കൂടുതലായ നിയന്ത്രണങ്ങൾകൊണ്ടു വരുന്നതു ജന്മിമാരുടെ കാര്യത്തിലാണു് ഈ രാജ്യത്തു് ജന്മിമാരുടെ എണ്ണം വളരെ കുറച്ചേ ഉള്ളു. അവരുടെ കാര്യം പറയുന്നവരും അവരെ പ്രതിനിധീകരിക്കുന്നവരുമായി ഈ സഭയിലും ഒന്നോ രണ്ടോ ആളുകൾ മാത്രമെ ഉള്ളു. മൈനോറിറ്റീസിനെ താങ്ങിക്കൊണ്ടുള്ള ഒരു നിയമമുണ്ടാക്കുന്നതു് കഷ്ടം തന്നെയാണു്. എതെങ്കിലും ഒരു നിയമമുണ്ടാക്കുന്നതു് എല്ലാദിക്കിലേക്കും ഒന്നുപോലെയായിരിക്കണം. കുടിയാന്മാരുടെ കാര്യത്തിൽ ആണെങ്കിൽ സകല കുടിയാന്മാർക്കുംകൂടി ഒരു നിയമമുണ്ടാക്കുക. അല്ലാതെ വെവ്വേറെ ഈ സഭയുടെ വിലയേറിയ സമയം കളഞ്ഞിട്ടു കാര്യമില്ല. എപ്പോഴും മറ്റൊരുത്തനു കൊടുക്കുകയെന്നുള്ള കാര്യത്തിൽ എല്ലാവക്കും ബുദ്ധിമുട്ടുതന്നെയായിരിക്കും. ഇതു് എന്റെ അനുഭവം മാത്രമല്ല. ലോകം മുഴുവനും കണ്ടുവരുന്ന അനുഭവമാണു്. തോട്ടക്കാരുടെ മെമ്പർ പറഞ്ഞു ൫ ഇടങ്ങഴി നെല്ലിനു് ൫ ഇടങ്ങഴിയായാൽ ൨൫ ൽ ശതമാനം കൊടുക്കേണ്ടിവരുന്നുവെന്നു്. ഗവർമ്മെണ്ടിൽനിന്നും ഇൻകം ടാക്സു് പിരിച്ചുവരുന്ന തോതു നോക്കിയാൽ ഇതിൽ അത്ര വലിയ അത്ഭുതമൊന്നുമില്ല. ഇങ്ങിനെയല്ലാതെ ഒരു നിയമവും സാദ്ധ്യമല്ല.

മിസ്റ്റർ കെ. എസ്സു് പണിക്കർ: കണ്ടെഴുത്തും കേട്ടെഴുത്തും പ്രകാരമുള്ളതു കിട്ടിയാൽ പോരെ ?

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവി നമ്പൂതിരി: ഇന്ന കാരണത്തിന്മേലാണു് വസ്തു കൈവശം വച്ചതെന്നു പറയുവാൻ നിവൃത്തിയില്ല. കണ്ടെഴുത്തുകൊണ്ടോ കേട്ടെഴുത്തുകൊണ്ടോ എങ്ങിനെയാണു് അവകാശം കിട്ടിയതെന്നു് ആക്ടും ഒരു രൂപവുമുണ്ടായിരിക്കയില്ല. വെറുതെ വല്ലതും പറഞ്ഞിട്ടു് വല്ലവരേയും കുതിര കയറാൻ നോക്കുന്നതു് ശരിയല്ല. പിന്നെ നികുതി ഉപേക്ഷിക്കേണ്ട കാര്യം ഇവിടെ പറഞ്ഞു. നികുതി കഴിച്ചാൽ മിച്ചവാരം രണ്ടുപറ നെല്ലു ഉണ്ടായിരിക്കുകയുള്ളു. അതുകൊണ്ടു് മിച്ചവാരം കുറയുവാനിടവരുന്നു. കുടിയാനു് ഒരു കൊല്ലത്തെ നികുതികൊടുക്കുവാൻ വസ്തുവിന്മേൽ മുതലില്ലേ ?

മിസ്റ്റർ കെ. എസ്സു്. പണിക്കർ: ജന്മിയ്ക്കു് എന്താണിവിടെയുള്ളതു് ? കുടിയാനല്ലെ ഭൂമിയിൽ പ്രയത്നം ചെയ്യുന്നതു് ?

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവി നമ്പൂതിരി: ഇളവു കിട്ടുവാനാവശ്യപ്പെട്ടുകൊണ്ടു് കുടിയാൻ ജന്മിയുടെ അടുക്കലാണു് വരുന്നതു്. ജന്മിയ്ക്കു വസ്തുവിൽ കുറച്ചു് ഒരു അവകാശമാണു് ഉള്ളതെന്നു വെച്ചാൽ അതുമതി. അതുകൊണ്ടു് ഈ ബിൽ ഇതേനിലയിൽ ആലോചനയ്ക്കെടുക്കുന്നതു് ആക്ഷേപാർഹമായിട്ടുള്ളതാണെന്നാണു് എന്റെ ബലമായ അഭിപ്രായം.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, Government are constrained to oppose this Bill. If there is any impression

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that renewal fee is a new impost created by the Tenancy Act in this statutory form, I wish to clear that misapprehension first of all. It is not at all a levy which is new to the landlords in this State. The first committee which reported upon the necessity for a tenancy legislation in the State, have enquired into this question in paragraph 10 of their report and after taking elaborate evidence they have come to certain conclusions and it is stated therein.—

"It is not known if the rate of renewal fees or premium paid when leases are renewed was at any time uniform everywhere. The rate was generally 10 per cent of the *kanam* amount with an additional 3 per cent on account of certain incidental payments. The premium was either paid in cash or deducted from the *kanam* amount at the option of the *jenmi*. The old rate of premium is nowhere prevalent in these days; it is now seldom less and often more than 20 per cent of the *kanam* amount with 5 to 10 per cent for incidental charges, 25 per cent being the all but universally recognised rate. In the case of many *jenmies*, however, this fee is largely supplemented in these days by the levy of forced benevolences, which sometimes amount to as much and even more than the *kanam* amount itself. The remission of a portion of the *kanam*, in lieu of payment of the premium, which appears to have been most uncommon in former days, and by which the *kanam* became automatically converted into the *verumpattam* in the course of a century, is seldom resorted to at the present time."

This committee has come to the finding more or less that the levy of 25 per cent of the *kanam* amount as renewal fee was all but the recognised rule. But when it came to a matter of enacting a statute with regard to the relationship between the *jenmies* and the landlords, it was found that no other workable method was possible than to fix at a random a reasonable percentage in the absence of any provision to fix the fair rent of the property. Our Tenancy Act does not contain any provision by which the fair rent of the property can be fixed. No mode is fixed there. The Tenancy Act takes into consideration only the contract rate between the landholder and the *jenmi* so far as the fair rent is concerned. In British India, as has been pointed out by the Member representing the *jenmi* constituency, there are modes to fix the fair rent of a property. If such a provision existed in our Tenancy Act, then there would have been no difficulty at all to equate the levy of renewal fee to a certain proportion of the profits derivable from the property. This controversy has raged in this Council from very early times. Even when the recent Tenancy Act was first introduced in this Council, there was an attempt to whittle down the rate of levy of renewal fee on the ground that in the case of *nerkanoms* persons will have to pay larger amounts even though they have to pay an amount equal to the value of the property. There were other instances in which there were certain hardships. But such an attempt failed and the Act was passed in the form as it now appears on the Statute Book. Government, no doubt, are perfectly aware of the

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fact that in some cases the levy of renewal fees at a fixed percentage will lead to hardships as in the case of *nerkanam* demises. It was to get over that difficulty that a proviso was added to section 28 in our present Tenancy Legislation, and it was pointed out that the decision of the High Court by which they held that the tax also is included in the *michavaram*, that proviso has not been capable of being properly worked to the advantage of the tenant and it was upon that point that the Hon'ble Member for Kunnamkulam tabled a Bill which was passed by this Council. The House may be aware that there is a committee appointed by the Madras Government to review the entire position with regard to the Tenancy Law in Malabar and their report is under the scrutiny of this Government. That report is also being examined by the Government of Madras. Now, there is a Malabar Tenancy Act to guide us in certain of our actions with regard to the Tenancy Law. But when that very law is now undergoing scrutiny at the hands of the Madras Government to undertake a piecemeal legislation of this sort is not considered to be advisable. The House should not be under the impression that Government want to adopt any obstinate policy in the matter. As has been pointed out in this House, Government have always been keeping in mind that the interests of the landholder as well as the interest of the tenant should both be blended harmoniously and a legislation made in such a way as not to prejudice one or the other unduly. If that position is to be assumed, then my submission to the House is, unless and until we are able to get at a workable proposition by which we are able to get at the fair rent of the property as a basis for fixing the renewal fee, it is not proper to assume that the *kanapattam* now shown in the document represents the fair rent of the property. As has been pointed out, it is not upon any settled principle that the *kanapattam* has been fixed. Each one has adopted varying principles. There are certain documents which I have seen where the *kanapattam* comes to only one anna for a cocoanut tree. When I argued that position, it was pointed out that most probably it was a tree planted by the tenant. It may be or it may not be. So that it is not at all a matter where the *kanapattam* really represents the fair rent of the property.

Mr. T. P. Poulose *(Kanayannur):* What is the date of the document?

Mr. M. Sivarama Menon *(Advocate-General):* It is an old document. It is more than 25 years old.

Mr. T. P. Poulose *(Kanayannur):* That is a document, the date of original of which was 50, 60 or 100 years before. After the original document the property was in the possession of the tenant.

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Mr. M. Sivarama Menon *(Advocate-General)*: That is for the purpose of showing whether the tree belonged to the tenant or not. It will be impossible to know from the old document. A *jenmi* may say that there were a certain number of trees. The tenant may say they have all vanished and these are all trees planted by him. There must be cases where trees are planted by *jenmies*. This is to safeguard even the *nerkanam* tenants. We cannot get a definite data from any of these things. Therefore, the other question that this House has to consider is, what is it that other people placed under similar circumstances and situation intend doing. As a matter of fact, the report of the Malabar Tenancy Commission contains very valuable materials and upon this identical question they have devoted certain paragraphs in their report. Some of the points urged in this House have really attracted the attention of that body. That also, as I said before, is being scrutinised by the Government. But the Bill in its present form based on the assumption that *kanapattam* represents the fair rent cannot be accepted.

Mr. T. P. Poulose *(Kanayannur)*: I have never said that.

Mr. M. Sivarama Menon *(Advocate-General)*: On that assumption alone, the Bill can stand. Because you say that from what is shown as *kanapattam*, sixty per cent of that must be taken as the renewal fee after 12 years.

Mr. T. P. Poulose *(Kanayannur)*: What I said in the course of the debate was that the *kanapattam* may be taken to be fairly indicative of the extent of the profit. You assume that *kanapattam* is lower than the fair rent. If *kanapattam* is equal to the fair rent, the tenant does not get any profit at all.

Mr. M. Sivarama Menon *(Advocate-General)*: Unless and until we assume for argument's sake that *kanapattam* represents the fair rent of the property, it will be really hard. *Kanapattam* is only a low rent, probably a fourth of the *verumpattam* fair rent. *Kanam* is a favourable tenure. One-fourth of the *verumpattam* is held to be reasonable *kanapattam*. If that is so, what is the position of a *kanam* tenant? He enjoys the property under better conditions and with better advantages than a *verumpattam* tenant. In British India the renewal fee under section 17 has to be fixed on the basis of the net profit or the fair rent of the property. There they go by fair rent. It was pointed out by the Hon'ble Member for the *jenmi* constituency that if we are to adopt the British rule throughout in the matter of assessment of the fair rent and fixation of renewal fee on that basis, then of course it will be a reasonable

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procedure to which they will have no serious objection. The Bill in its present form is not acceptable because there is no sufficient data to find whether, as a matter of fact there is prejudice in this matter to a reasonably large number of tenants. It is not possible to have a law which will satisfy every individual as there are complicating interests. It was pointed out by the Hon'ble Member Mr. Madhava Menon that in the case of *parambas* and wet lands there is difference. While in the case of *nilams* it is an advantage to the *jenmi*, in the case of *parambas* it is an advantage to the tenant.

Mr. T. P. Poulose *(Kanayannur)*: Not with regard to tax.

Mr. M. Sivarama Menon *(Advocate-General)*: All these are correlated. The controversy between the *jenmi* and the tenant will be inter-related with the question of tax. There are several documents in which the tax is referred to. There may be other documents by which the tenant is bound to pay.

Mr. C. R. Iyyunni *(Trichur-South)*: Is there anything in the report of the Malabar Tenancy Commission?

Mr. M. Sivarama Menon *(Advocate-General)*: All these aspects were considered at page 39 of their report. They are definitely of the opinion that renewal fees should be reduced on the fair rent basis, but not on the 27½ per cent basis. This is what they say:—

"As regards renewal fees we are of opinion that they ought to be reduced. The rate of renewal fee for *kanam* lands is at present calculated on the *kanamdar's* net profit. A suggestion has been made to us that renewal fees should be fixed in some proportion to the *kanam* amount. The proposal is, we think, unsound in principle as it would lead to the anomaly that the renewal fee payable by a tenant who has advanced a large sum of money as *kanam* will be much higher than that payable by a tenant who has only a nominal *kanam* and only a small stake in his holding. We, therefore, think that the present provision for fixing the renewal fee on the basis of the *kanamdar's* net profit is preferable to the suggestion made to us to fix it in some proportion to the *kanam*. There is, as stated already, a general complaint that the rate of renewal fee on wet lands held on *kanam* is higher than it was before the Act. The complaint seems to be well-founded. Therefore, we are of opinion that the rate of renewal fee for wet lands held on *kanam* should be equal to, instead of two and a quarter times, the *kanamdar's* net annual profit as calculated under the present formula. The rate of interest on the *kanam* amount should be that specified in section 17 of the Act. In respect of garden lands, the calculation of the renewal fee under the present formula has resulted in several instances in a "nil" figure. "We think it is only fair that the landlord should be given some compensation by way of renewal fees for depriving him of his right of eviction."

The most important points urged in support of this measure have attracted the attention of this body and we are also studying this report in order to find out what should be done in the matter. As a matter of fact, the House may ask us, why not independently

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come to a conclusion? My point is that this requires a study of the statistics also. There are several kinds of documents in this State and when we find that in British Malabar where more or less the same conditions exist to justify or not the adoption of a particular line of action, why not we usefully await their dicision? The Tenancy Law is only Act XV of 1113. After that one Bill has already been passed by this House. There was a second Bill brought in by the Hon'ble Member for Planters. This is the third and the next Bill on the agenda is the fourth. If you bring in several legislations on such a point a definite line of action has to be chosen which may hold good for a reasonable length of time. It is not at all the intention that the tenant should be oppressed. In fact this State has been the pioneer in the matter of tenancy legislation. If I am satisfied after a study of the report prepared by the Malabar Commission and after ascertaining the course of action proposed thereon by the Government of Madras that our law requires any change in this respect, I shall not hesitate to tender that advice to Government.

Mr. C. R. Iyyunni *(Trichur-South):* Will the Government be pleased to see that hereafter no renewal fee is collected till a legislation on the line suggested is brought before the Council?

Mr. M. Sivarama Menon *(Advocate-General):* It is not a question whether the Government is prepared to do this thing or that thing, because as a matter of fact if we have to introduce a provision to regulate the fixing of renewal fee on fair rent, the select committee in their deliberations may not be justified in introducing provisions in the Tenancy Act to fix a fair rent of the property unless it be for this restricted purpose alone.

Mr. A. V. Moothedan *(Chalakkudi):* That is a question of detail which the select committee may go into.

Mr. M. Sivarama Menon *(Advocate-General):* It is a question of principle I say. If the matter goes into the select committee necessary changes can be effected only without violence to the principle of the Bill. We can reduce 60 to 50. Unless and until there are provisions in the Tenancy Act for the fixation of a fair rent for all purposes, any decision for the levy of renewal fee based upon the income may prejudice some tenants who are not now prejudiced. It may be to the advantage of some and it may be to the detriment of others according as the incomes vary. Therefore we must have a uniform principle. We must arrive at a uniform basis. I can only say to this House without laying any condition that, if I am satisfied upon investigation that real injustice occurs in the majority of cases, I shall recommend appropriate changes.

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Mr. C. R. Iyyunni *(Trichur-South):* Do the Government think that at least in certain cases great prejudice is worked because of the 27½ per cent?

Mr. M. Sivarama Menon *(Advocate-General):* This question is raised without realising the circumstances in the generality of cases. *Kanartham* may bear a very low rate of interest or it may bear a very high rate of interest. The Agriculturists' Relief Act has not cut down the excessive rates of interest on *Kanartham*. The *Kanamdar* enjoys the benefit of a high rate of interest and a liability to pay only a small income from the property as *Kanappattam* on the footing of a *verumpattamdar* who has to pay a fair rent. One-fourth of the *verumpattam* is ordinarily considered as reasonable *Kanapattam*. Therefore, for the fixation of fair rent there must be a uniform principle which will be applicable throughout the State to the *Jenmies* as well as to the tenants. If such a drastic change is to be made by the select committee to this Bill I can only say that they will be going beyond the scope and the principle of this Bill. Government think that there may be no justification for maintaining a uniform rate of 27½ per cent in all cases. But this anomaly cannot be remedied without injury to a new set of tenants. Hence the position of stalemate to which Government have been driven. The Bill in its present form cannot but be opposed. There is no data to enable the Government to come to a definite conclusion. It is not possible for Government to collect the data because there is no uniform data in any part of the State, and an enquiry if conducted by the Government will be fruitless and useless. The only workable method is the one that has been adopted in the existing Act. If any change is attempted, it should neither make the position of tenants precarious nor the plight of landlords worse. Some of the arguments advanced by the Hon'ble Members may be perfectly right in some cases but will equally prejudice several other cases. Therefore we must find out a workable proposition and see whether the present system will satisfy us or a revision is necessary which would cause the lesser injustice. My position therefore is that Government are constrained to oppose this Bill with the assurance that Government will consider this question in the light of the report of the Malabar Committee and the action that may be taken on it by the Madras Government.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: ബഹുമാനപ്പെട്ട മെമ്പർ പറഞ്ഞതായ ചീഫ് കോട്ട് ജഡ്ജിയുടെ ഒബ്സർവേഷൻ ഗവർമ്മേണ്ടിന്റെ നോട്ടീസ്സിൽ വന്നിട്ടുണ്ടോ?

Mr. M. Sivarama Menon *(Advocate-General):* That is only with regard to *nerkanam*, and to remedy the evil pointed out in the decision, a proviso was added in the Act of 1113. So it is not a case

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where Government have not taken care to set right the injustice in regard to *nerkanam*. As a matter of fact on account of the interpretation put upon that proviso by the High Court, it is complained that as much benefit as was expected has not been derived. This question must be dealt with as a whole. Government take the view that there must be a mode of fixing the fair rent of the property, so that renewal fee may be equated in proportion to the income of the property and do equal justice to the landlord and to the tenant. One person should not be allowed to steal a march over another by a legislative enactment. No useful purpose will be served by touching a portion of the law and leaving the other provisions in tact. As responsible officers, we are studying the report and if we are satisfied from the facts and circumstances that the law requires a change, we are certainly, in duty bound, to make our recommendation and advise the Government accordingly.

മിസ്റ്റർ കെ. അയ്യപ്പൻ : അതുകൊണ്ടു ഗുണമൊന്നുമില്ലെന്നല്ലേ പറയുന്നതു് ? ഇതു പാസായി നിയമമായാലും മറ്റതു വരുമ്പോൾ ശരിയല്ലാത്തതെല്ലാം ശരിയാകുമല്ലോ ?

Mr. M. Sivarama Menon *(Advocate-General)*: You are thereby doing an injustice.

മിസ്റ്റർ കെ അയ്യപ്പൻ : അധികം ജസ്റ്റീസോ, ഇൻജസ്റ്റീസോ വരുന്നതു് ?

Mr. M. Sivarama Menon *(Advocate-General)*: We cannot say that. According to the statement made by the Hon'ble Member on the other side, the northern Taluks will suffer. That is why I said any attempt at collecting data in this State will be fruitless, because each has adopted his own principle and standard.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി : ഫാൻറം മുതൽ ഫ്ലഡ്സു വരെ ഫെൽ ശതമാനവും ഫ്ര ശതമാനവുമായിട്ടു് ജന്മിക്കു് കിട്ടിക്കൊണ്ടിരുന്നില്ലേ ? ആ സമയത്തു് കുടിയാനു് വളരെ ദോഷമുണ്ടായിരുന്നുവെന്നു് സമ്മതിക്കുമല്ലോ. ഈ ഫെസ് കൊല്ലം വരെ കുടിയാൻ കഷ്ടതകളനുഭവിച്ചുകൊണ്ടാണിരിക്കുന്നതെങ്കിൽ രണ്ടോ മൂന്നോ കൊല്ലംകൊണ്ടു് ഒരു പുതിയ ബില്ലു് വരുന്നതുവരെ അതിനേക്കാൾ കുറച്ചു കൂടി ഫെയറായിട്ടുള്ള ഈ ബിൽ—ഇതു് പൂർണ്ണമാണെന്നു് പറയുന്നില്ല—വരുന്നതുകൊണ്ടു് യാതൊരു വിഷമവുമില്ല.

മിസ്റ്റർ ടി. പി. പൌലോസ്സു് : നേർക്കാണത്തിനു പൊളിച്ചെഴുത്തവകാശം കൊടുക്കണമെന്നുള്ള ഉദ്ദേശത്തോടുകൂടി കൊണ്ടുവന്നിട്ടുള്ളതാണു്.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ : പൊളിച്ചെഴുത്തിനുമുള്ളതാണു് ഞാൻ പറയുന്നതു്.

മിസ്റ്റർ ടി. പി. പൌലോസ്സു് : നേർക്കാണത്തിനു് റിന്യുവൽ ഫീസ്സു് പതിവുണ്ടായിരുന്നോ ?

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Mr. T. P. Poulose *(Kanayannur):* The Hon'ble Advocate-General observes that *nerkanamdars* were under the impression that they were liable to pay renewal fees at the time they paid the *nerkanam* amounts. Their impression was that they need not pay renewal fees.

Mr. M. Sivarama Menon *(Advocate-General):* I say they were under that impression, you say they are not.

The House should not be guided by the word "injustice". When you consider that justice should be done to one, you should also see that injustice is not done to another. Here, we are concerned with two interests, the interest of the tenant as well as the interest of the *jenmi*. If you find that the right of the *jenmi* will be affected, even where the *jenmi* has agreed to pay a large percentage of interest on the *Kanartham*, is it not an injustice to the *jenmi*? You will have to sit in judgment in each case. All the cases in the Cochin State must be before yon. You have to tabulate the majority of cases and then legislate. Such an endeavour, I say, is perfectly useless. It is perfectly certain that one tenant would not have gone and advanced the money unless and until he is sure to gain. You must always keep the distinction between *kanam* tenure and *verumpattam* tenure. With regard to the *kanam* tenancy, virtually he is the owner of the property. The conditions for eviction exist only in theory. As a practical proposition we do not find *kanam* tenants being evicted on any of the grounds mentioned in the Act. He gets a very favourable return from the land, and he has to pay as *kanapattam* only one-fourth of the amount that the *verumpattamdar* has to pay. For such benefits he is asked to pay at the end of 12 years something as a renewal fee. The legislators did not think it proper to introduce a clause with regard to the fixation of the fair rent. They most probably thought that it will be detrimental to several tenants. All the arguments that have been raised on the floor of this House to day have been considered elaborately on a former occasion on this question. Pages 206 to 212 of Volume IV of the proceedings of this council bear out the sharpness of the controversy. Opinions have been divided and the inability to decide as to whether there is an injustice in such a degree as to require a rectification stared everyone in the face. We should not take a leap in the dark. We must guide things in a practical world, in a human way, so that the scale may be held even between the *jenmies* and the tenants.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* What is the harm for the Government in studying the whole question in the select committee?

Mr. M. Sivarama Menon *(Advocate-General):* The select committee will not be able to interfere, because the fixation of fair rent has nothing to do with this Bill.

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Mr. T. P. Poulose *(Kanayannur):* With regard to the last point advanced by the Advocate-General that there is a possibility of the Government, after a study of the report of the Malabar Tenancy Committee, introducing the same Bill.....

Mr. M. Sivarama Menon *(Advocate-General):* I did not say that there is a possibility of Government agreeing. I did not speak for the Government in that respect. Therefore, you should not take my statement to mean that I said that there is a possibility of Government introducing a Bill and then interpellating at the next session, what about your statement. I only said that I will make a recommendation if I am satisfied.

Mr. T. P. Poulose *(Kanayannur):* I wish to press this Bill before the House. Of course, if it so happens that with the possibility of the Advocate-General forming an opinion that another Bill is necessary and then recommending and the Government subsequently accepting it, if all these things were in the practical proposition, then we will also consider whether we should withdraw this Bill or not. So, I press this motion.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Tenancy Act (Amendment) Bill.

Mr. T. P. Poulose *(Kanayannur):* Sir, I move that the Bill be referred to a select committee consisting of.—

(1) Mr. K. Ashtamoorthi Nambudiripad.
(2) Mr. E. Ikkanda Warriar.
(3) Mr. K. M. Ibrahim.
(4) Mr. M. L. Joseph.
(5) Mr. V. J. Mathai.
(6) The Advocate-General.
(7) the mover.

Motion put and carried

Mr. President: The Chairman of the committee will be the Advocate-General and the report will be submitted within 3 months.

The Cochin Tenancy Act (Amendment) Bill No. 2

Mr. V. J. Mathai *(Planters):* Sir I beg to introduce the Cochin Tenancy Act (Amendment) Bill No. 2. ഞാൻ ഈ ബിൽ കൊണ്ടുദ്ദേശിക്കുന്നതു് ഫ്യ-ാം വകുപ്പിൽ പാട്ടത്തിന്റെ ഫ/വ ആണു് മിച്ചവാരം എന്നു പറഞ്ഞാൽ ഫ ൦ ൦-ക്കു് ൫ ശതമാനമായി. ഫ/ ൬ ആണെങ്കിൽ ഡ്യൂ-ം കൊടുക്കണം. പൊളിച്ചെഴുത്തവകാശം കിട്ടുവാനുള്ള പല്ല മാറ്റുങ്ങളിൽ ഒന്നു് ഇതുംകൂടി

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